REMARKS / DISCUSSION OF ISSUES

The present amendment is submitted in response to the Office Action mailed September 28, 2009. In view of the remarks to follow, reconsideration and allowance of this application are respectfully requested.

Status of Claims

Claims 1-25 remain in this application. Claims 1, 11 and 13 have been amended. Claims 15-25 have been added.

Allowable Subject Matter

Applicant wishes to thank the Examiner for indicating that Claims 2-7, 10, 12 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants have elected to rewrite dependent claim 2 in independent form including all of the limitations of independent Claim 1 (see new Claim 15). Hence, it is believed that Claim 15 is in condition for allowance. Applicants have added new claims 16-23 which respectively depend from independent claim 15 and therefore contains the limitations of claims 15. For at least the same reasons given for claim 15 above, claims 16-23 are believed to be allowable over the cited references.

Applicants have elected to rewrite dependent claim 12 in independent form including all of the limitations of independent Claim 11 (see new Claim 24). Hence, it is believed that Claim 24 is in condition for allowance.

Applicants have elected to rewrite dependent claim 14 in independent form including all of the limitations of independent Claim 13 (see new Claim 25). Hence, it is believed that Claim 25 is in condition for allowance.

Claim Rejections under 35 USC 103

Rejection of Claim 1 under 35 USC 103

The Office has rejected Claim 1 under 35 U.S.C. §103(a), as being unpatentable over U.S. Patent Publication 2001/0016114 ("Van Gestel") in view of U.S. Patent No. 5,930,450 ("Fujita"). Applicant respectfully traverses the rejection.

Claim 1 is Allowable

In response, independent claim 1 is herewith amended to more particularly and precisely recite the novel and unobvious features of the instant invention, and it is respectfully submitted that these claims, as well as the remaining claims depending therefrom, are clearly patentably distinguishable over the cited and applied references for the reasons detailed below.

More particularly, independent claim 1 has been amended to recite, "*which physical addresses of the auxiliary blocks are excluded from allocation to logical* ***addresses and are within a physical address range***" [Emphasis Added]. Applicants have removed the term "**or near**" from the claim 1 recitation, "*within or near a physical address range*", while reserving the right to re-introduce the term in the future, such as on Appeal. In the Office Action, it is suggested that the term "or near" is taught by the prior art. More particularly, the Office suggests that Fujita teaches auxiliary program related information that is generated by auxiliary data means and recorded on the recording medium at physical address locations which lie outside the range of addresses allocated to the real-time video stream, but are located **"near"** thereto. The Office refers Applicants to Fig. 4 of Fujita in support of its position. In the Office Action, it is suggested that the term "**or near**" is a relative expression that, given its normal meaning, broadly encompasses data stored at physical addresses **on the same disk**, as described in Fujita. The Office asserts that the physical addresses of a given disk are always, i.e., in a relative sense, **"near"** each other. Applicants disagree with the overly broad interpretation of the term "**near**" as being on the same disk. The specification is clear in stating that optical media in general have quite a reasonable data rate, but the access performance (jumping over the disc) is rather limited. Hence, for writing a file to the medium

and reading the file as fast as possible, it is preferred to read the file from a physically contiguous area from the medium. The invention overcomes the limitations of the prior art by allowing auxiliary data to be included in the real-time data stream. Real time file data blocks and auxiliary data blocks are obtained in an efficient way, i.e., without requiring excursions to other parts of the medium and/or a lot of buffer memory, thus limiting the number of excursions that are necessary. In this manner, the term "within or near a physical address range corresponding to the logically contiguous range of blocks allocated to the part of the data stream" can only be reasonably interpreted as being within or **within close proximity to a specific physical address range without requiring excursions to other parts of the medium**, i.e., without requiring excursions to other parts of the medium. The Applicants are on the record for disagreeing with the Examiner's overly broad interpretation of the term "near". However, Applicants have elected to amend claim 1 by removing the objectionable terminology. Accordingly, Applicants respectfully submit that claim 1, as amended herewith, is allowable over the combination of Fujita and Van Gestel.

Rejection of Claim 8, 9, 11 and 13 under 35 USC 103

The Office has rejected Claims 8, 9, 11 and 13 under 35 U.S.C. §103(a), as being unpatentable over Van Gestel in view of Fujita, for the same reasons set forth above for claim 1. Claims 8 and 9 depend from independent Claim 1 and therefore contains the limitations of Claim 1 and is believed to be in condition for allowance for at least the same reasons given for Claim 1 above. Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) and allowance of Claims 8 and 9 is respectfully requested.

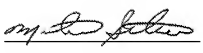
Independent Claims 11 and 13 recite similar subject matter as Claim 1 and therefore contains the limitations of Claim 1. Hence, for at least the same reasons given for Claim 1, Claims 11 and 13 are believed to contain patentable subject matter.

Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1-25 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Mike Belk, Esq., Intellectual Property Counsel, Philips Electronics North America, at 914-945-6000.

Respectfully submitted,



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